

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 07 JUN 2006

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Applicant's or agent's file reference 04 FB 27 E	FOR FURTHER ACTION	
See Form PCT/IPEA/416		
International application No. PCT/IT2004/000048	International filing date (day/month/year) 09.02.2004	Priority date (day/month/year) 09.02.2004
International Patent Classification (IPC) or national classification and IPC INV. A61M1/02		
Applicant ANGELANTONI INDUSTRIE SPA et Al.		
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of 5 sheets, as follows:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)), containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>		
<p>4. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application 		
Date of submission of the demand 06.12.2005	Date of completion of this report 07.06.2006	
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized officer Villeneuve, J-M Telephone No. +31 70 340-2893	



INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/IT2004/000048

Box No. I Basis of the report

1. With regard to the **language**, this report is based on
 - the international application in the language in which it was filed
 - a translation of the international application into , which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3(a) and 23.1(b))
 - publication of the international application (under Rule 12.4(a))
 - international preliminary examination (under Rules 55.2(a) and/or 55.3(a))
2. With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

2-9	as originally filed
1, 1a	received on 12.12.2005 with letter of 06.12.2005

Claims, Numbers

1-11	received on 12.12.2005 with letter of 06.12.2005
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Drawings, Sheets

1/2, 2/2	as originally filed
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a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. The amendments have resulted in the cancellation of:
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):
4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/IT2004/000048

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N) Yes: Claims 1-11

No: Claims

Inventive step (IS) Yes: Claims 1-11

No: Claims

Industrial applicability (IA) Yes: Claims 1-11

No: Claims

2. Citations and explanations (Rule 70.7):

see separate sheet

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Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial
applicability; citations and explanations supporting such statement**

1 Reference is made to the following documents:

D1: DE 44 18 005 A (SCHEUER UWE) 23 November 1995 (1995-11-23)
D2: US-A-5 661 978 (BROADFIELD LP ET AL) 2 September 1997 (1997-09-02)

2.1 The document D1 is regarded as being the closest prior art to the subject-matter of claim 1 and shows (the references in parentheses applying to this document):

- an apparatus for receiving, preserving and supplying bags of blood, comprising:
- a cabinet (10) for containing all the components of the apparatus,
- a refrigerated space for containing the bags,
- a magazine (2) comprising a plurality of cells (1), each capable of containing a single bag, the magazine (2) being housed inside the refrigerated space, each of the cells (1) being identified by a cell code, and wherein the cells (1) are structured in superposed levels, the cell code is univocal, the cell code is independent of the level in which the cell(31)is located and of the position of the cell (1) in the level and wherein cell identification means (not shown) capable of retrieving and/or containing cell codes, preferably bar codes, are placed at the cells(1)
- at least one door (14) for allowing access by an operator to the cells (1), a movement system(4, 5, 6, 8, 9) housed inside the cabinet (10) and capable of moving, preferably rotating, the cells (1), a cooling system (25-29) housed inside the cabinet and capable of cooling the refrigerated space, a processing system (computer, not shown) housed inside the cabinet, capable of controlling the movement system and the cooling system
- a reading device (7) for reading bag identification means, said device being connected to the processing system, housed inside the cabinet and placed at walls of the cabinet.

2.2 The subject-matter of claim 1 differs from this known device in that it further comprises:

- at least one reading device(132) for reading cell identification means (32) and

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connected to the processing system(7), and at least one corresponding movement member (131) for said reading device (132) controlled by the processing system (7), said device and said member being housed inside the refrigerated space(21), said apparatus comprising a machine space(22) separated from the refrigerated space (21), said machine space (22) further comprising the movement system (5), the cooling system (6) and the processing system(7)

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

2.3 The problem to be solved by the present invention may be regarded as providing a secure identification and retrieval system for the dispensing of the blood bags.

The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

The available prior art does not teach nor suggests the separate identification means for the cells and the bags. This disposition allows to associate the cell and the bag at loading time for further retrieval, irrespective of the mounting position of the cell in the apparatus.

The movement mechanism on which the cell code reading device is mounted has the further advantage of only necessitating one reader.

2.4 Claims 2-11 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.